

## **IC 16-24-2**

### **Chapter 2. Operation of County Tuberculosis Hospitals in Allen, St. Joseph, Vanderburgh, and Madison Counties**

#### **IC 16-24-2-1**

##### **Application of chapter**

Sec. 1. (a) As used in this section, "county" refers to any of the following:

- (1) A county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).
- (2) A county having a population of more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000).
- (3) A county having a population of more than one hundred seventy-five thousand (175,000) but less than one hundred eighty-five thousand (185,000).
- (4) A county having a population of more than one hundred twenty-five thousand (125,000) but less than one hundred thirty-five thousand (135,000).

(b) This chapter applies to a county, if the county meets the following conditions:

- (1) The county owns a hospital for the treatment of patients with tuberculosis or other diseases, including chronic diseases and diseases requiring convalescent care.
- (2) The county contracts with other counties for the treatment of the citizens of those other counties.

*As added by P.L.2-1993, SEC.7. Amended by P.L.170-2002, SEC.109; P.L.119-2012, SEC.143.*

#### **IC 16-24-2-2**

##### **"Contracting county" defined**

Sec. 2. As used in this chapter, "contracting county" means a county that contracts with a county having a hospital for the care of patients.

*As added by P.L.2-1993, SEC.7.*

#### **IC 16-24-2-3**

##### **Board of managers; qualifications; terms of office; compensation; expenses**

Sec. 3. (a) The county executive of the county owning the tuberculosis hospital shall appoint a board of managers for the hospital consisting of four (4) residents of the county. Two (2) of the members must be licensed and practicing physicians. Not more than two (2) of the members may belong to the same political party. The board is a body corporate and politic.

(b) The term of office of each member of the board is four (4) years and until a successor is appointed and qualified. However, the first term of one (1) of the members expires annually. The members of the governing board are entitled to receive annual salaries not to

exceed six hundred dollars (\$600) each and payment for actual and necessary traveling and other expenses.

*As added by P.L.2-1993, SEC.7.*

#### **IC 16-24-2-4**

##### **Official visitor and inspector; term of office; compensation; duties; board of visitors**

Sec. 4. (a) The county executive of a contracting county shall appoint an official visitor and inspector of the tuberculosis hospital and the patients from the contracting county. The term of office of the official visitor is three (3) years. The official visitor is not entitled to compensation for service but the official visitor's actual and necessary traveling and other expenses shall be paid by the hospital.

(b) An official visitor shall do the following:

(1) The following:

(A) Inspect the hospital.

(B) Visit the patients of the contracting county.

(C) Consult with the superintendent.

(D) Report to the county executive of the visitor's county monthly.

(2) With the tuberculosis agencies of the contracting county, prepare the documents necessary to admit patients from the contracting county.

(3) The following:

(A) Inspect and visit the patient in the patient's home.

(B) Investigate the patient's financial condition.

(C) Report to the county executive at the time the county executive approves the patient's admission.

(4) Transport the patients to and from the hospital.

(c) The official visitors of the contracting counties constitute the board of visitors. The board of visitors shall do the following:

(1) Meet quarterly at the hospital.

(2) Transact the business of their respective counties.

(3) Report to their respective county executives.

*As added by P.L.2-1993, SEC.7.*

#### **IC 16-24-2-5**

##### **Board of affiliation and public relation**

Sec. 5. (a) The governing board shall create a board of affiliation and public relation, which consists of the following:

(1) The president.

(2) The superintendent.

(3) The medical director.

(4) The superintendent of nurses.

(5) An executive secretary, to be appointed by the president and superintendent.

(b) The board of affiliation and public relation shall cooperate with the county executives of the contracting counties and county executives' official visitors.

*As added by P.L.2-1993, SEC.7.*

#### **IC 16-24-2-6**

##### **Governing board; powers and duties**

Sec. 6. The governing board has the following powers and duties:

- (1) To manage the affairs, property, and patients of the hospital and all matters relating to the government, discipline, contracts, and the finances of the hospital.
- (2) To make rules and regulations for the operation of the hospital.
- (3) To meet monthly, inspect the hospital, and hold the board's annual meeting in July of each year.
- (4) To keep the books and accounts of the hospital and keep minutes of the board's proceedings. All records are open to the inspection of the board's members, the county executives of the counties owning or contracting with the hospital, the state board of accounts, and other public agencies authorized by law to inspect the hospital.
- (5) To adopt an annual budget for the hospital.
- (6) To elect a president, at least one (1) vice president, a secretary, and a treasurer and to appoint a superintendent. The office of president and superintendent may be held by one (1) person and the superintendent may act without salary, but is entitled to receive traveling and other expenses necessary or incidental to the office.
- (7) To accept and hold in trust for the hospital a grant or devise of land, gift, bequest, or other donation for the benefit of the hospital in accordance with the terms of the gift and as the board considers beneficial.
- (8) To contract for the care and treatment of persons with tuberculosis and other diseases, including chronic diseases and those diseases requiring convalescent care.
- (9) To certify all bills and accounts and transmit the bills and accounts to the county executive of the county owning the hospital, who shall, if the county executive finds the bills and accounts correct, pay the bills and accounts out of hospital money.
- (10) To annually report upon the operation of the hospital to the county executive of the county.

*As added by P.L.2-1993, SEC.7.*

#### **IC 16-24-2-7**

##### **Superintendent; powers and duties**

Sec. 7. (a) The superintendent is the chief executive officer of the hospital and is subject to bylaws, rules, and regulations of the hospital and to the board of managers and the board's president.

(b) The superintendent shall do the following:

- (1) Equip the hospital for the care and treatment of patients and for the use of the officers and employees and to purchase, directly or if the county has a purchasing agent, through the county purchasing agent, all necessary supplies and equipment. The superintendent shall determine the quality needed or the

practicability of the articles requisitioned.

(2) The following:

(A) Supervise and control the records, accounts, and buildings of the hospital and the hospital's internal affairs.

(B) Maintain discipline.

(C) Enforce compliance with all rules, bylaws, and regulations adopted by the board of managers for the government, discipline, and management of the hospital and make further rules, regulations, and orders not inconsistent with those of the board of managers.

(3) The following:

(A) Appoint a licensed physician, as medical director, who has at least five (5) years experience in the treatment of tuberculosis.

(B) Employ doctors, department heads, nurses, and employees the licensed physician considers proper and necessary for the efficient performance of the business of the hospital.

(C) Prescribe staff duties, and discharge staff at the superintendent's discretion.

(4) Keep accurate accounts and records of the business and operations of the hospital and include the accounts and records in an annual report for the board of managers, who shall incorporate the accounts and records in the board's report to the county executive.

(5) Admit the following persons to the hospital in the order of application:

(A) A person:

(i) with tuberculosis in any form and other diseases the board of managers designates; and

(ii) who has resided in the county for at least one (1) year before the application for admission.

(B) Persons from other counties or states, as provided in this chapter.

(6) Keep records of the admission, physical condition, and treatment of each patient, including name, age, sex, color, marital condition, residence, occupation, and place of last employment.

(7) The following:

(A) Have a physical examination made of persons admitted to the hospital.

(B) Provide for the treatment of each patient according to the patient's need.

(C) Keep records of the condition of each patient when admitted and thereafter.

(8) Discharge and report to the board of managers concerning a patient who meets any of the following conditions:

(A) Willfully or habitually violates the rules of the hospital.

(B) Does not have or has recovered from tuberculosis or other diseases designated by the board of managers.

- (C) Is no longer a suitable patient for treatment.
- (9) Hold clinics in all counties affiliated with the hospital, which must be arranged for and under the supervision of the official visitor of the contracting county.
- (10) Receive and administer all gifts, bequests, and devises on behalf of the hospital. A gift of money shall, after the payment of all taxes, fees, costs, and other expenses, be deposited in the depository of the hospital designated by the county executive and shall be managed by the board of managers for the best interest of the hospital, according to the donor's conditions.

*As added by P.L.2-1993, SEC.7.*

#### **IC 16-24-2-8**

##### **Treasurer; duties**

Sec. 8. (a) The treasurer shall do the following:

- (1) Collect and receive all money due the hospital in the name of the hospital and deposit the money in a bank designated by the county executive.
- (2) Keep an accurate account of the money collected and received and make a written report to the board of managers, at their regular monthly meeting.
- (3) Before entering upon the treasurer's duties, post a bond in an amount determined by the board of managers to secure faithful performance.

(b) The board of managers shall transmit the funds to the treasurer of the county within ten (10) days after the meeting. The treasurer shall place the funds in a special fund for the exclusive use of the hospital.

*As added by P.L.2-1993, SEC.7.*

#### **IC 16-24-2-9**

##### **Application for admission; examination; payment for care and treatment**

Sec. 9. (a) Any resident of the county may apply in person to the hospital for treatment or to a physician for examination. If the physician finds that the person has tuberculosis in any form, the physician may apply to the superintendent of the hospital for admission.

(b) The superintendent shall forward application forms to any physician in the county, upon request and without charge. If practicable, applications for admission to the hospital shall be made upon these forms.

(c) If:

- (1) the superintendent receives an application from a person who appears to have tuberculosis; and
- (2) there is a vacancy in the hospital;

the superintendent shall notify the person named in the application to appear at the hospital.

(d) If, upon examination of the patient, the superintendent is satisfied that the patient has tuberculosis and has made the proper

financial arrangement for care and treatment, to the extent of the patient's ability, the superintendent shall admit the patient to the hospital.

(e) All applications must:

- (1) state whether the person is able to pay, in whole or in part, for care and treatment at the hospital; and
- (2) be filed and kept as a permanent record.

(f) The hospital may not discriminate against any patient because the patient or the patient's relatives contribute to the cost of the patient's maintenance. An officer or employee of the hospital may not accept from any patient any fee, payment, or gratuity for services.

*As added by P.L.2-1993, SEC.7.*

#### **IC 16-24-2-10**

##### **Patient's financial circumstances; inquiry; payment according to ability**

Sec. 10. Whenever a patient is admitted to the hospital from the county in which the hospital is situated, the superintendent shall inquire into the circumstances of the patient and of the relatives of the patient legally liable for the patient's support. If the superintendent finds that the patient or the patient's relatives are able to pay for care and treatment, in whole or in part, the superintendent shall direct the patient or the patient's relatives to pay to the treasurer of the hospital a specified amount each week, in proportion to the patient's or the patient's relatives' financial ability. The hospital has the same authority to collect from the estate of the patient, or the patient's relatives legally liable for the patient's support, as the township trustee as administrator of township assistance in similar cases. If the patient or the patient's relatives are not able to pay, either in whole or in part, the care and treatment become a charge upon the county.

*As added by P.L.2-1993, SEC.7. Amended by P.L.73-2005, SEC.167.*

#### **IC 16-24-2-11**

##### **Care and treatment of county nonresidents; contract; appropriation; tax levy**

Sec. 11. (a) The county executive of a county without a tuberculosis hospital may, by contract, arrange for the care and treatment of the county's citizens in a tuberculosis hospital in another county. The contract must fix the minimum number of patients to be sent to the hospital for any year and the amount of compensation to be paid for the care and treatment of those patients. The compensation must not exceed the actual cost of the operation of the hospital plus the interest charge on the bonded indebtedness of the hospital.

(b) The county fiscal body of the county contracting for the care and treatment of tuberculosis patients shall appropriate an amount out of the county general fund sufficient for the care and treatment of tuberculosis patients and this fund constitutes a special fund. The county may levy a tax for this purpose or the county executive may pay the hospital out of the general fund.

*As added by P.L.2-1993, SEC.7.*

#### **IC 16-24-2-12**

##### **Nonresidents' application for admission**

Sec. 12. Any person in need of treatment and who resides in a county without a tuberculosis hospital may apply in writing to the county auditor or official visitor of the county on a form to be provided by the official visitor of the county with a physician's certificate on a form furnished by the official visitor, stating that the physician has, within ten (10) days, examined the person, and that, in the physician's judgment, the person has tuberculosis. The auditor shall forward the application and certificate to the county executive. If the county executive finds the application to be true, the board shall make a record and send the application to the superintendent of the hospital. After the patient is accepted by the hospital, the county executive shall provide transportation to and from the hospital and maintenance at the hospital as provided in the contract or arrangement. All blanks provided for in this section shall be furnished by the hospital.

*As added by P.L.2-1993, SEC.7.*

#### **IC 16-24-2-13**

##### **Admission of nonresidents; liability for care and treatment**

Sec. 13. (a) Whenever the superintendent receives an application for the admission of a patient from another county, the superintendent shall notify the person to appear at the hospital if the following conditions are met:

- (1) It appears that the person has tuberculosis, or a similar disease.
- (2) There is a vacancy in the hospital.
- (3) There is no pending application from a patient residing in the county in which the hospital is located.

(b) If, upon personal examination of the patient by the medical staff of the hospital, the superintendent determines that the patient has tuberculosis, the superintendent shall admit the patient to the hospital. The patient is a charge against the executive of the county sending the patient, at a rate to be fixed by the board of managers but not to exceed the per capita cost of maintenance, including a reasonable allowance for interest on the cost of the hospital. The bill shall, when verified, be paid by the auditor of the county. The county executive of the contracting county shall investigate the circumstances of the patient and of the patient's relatives legally liable for the patient's support. The county executive has the same authority as a township trustee as administrator of township assistance in similar cases to collect, according to the patient's or the patient's relatives' financial ability, the cost of the maintenance.

*As added by P.L.2-1993, SEC.7. Amended by P.L.73-2005, SEC.168.*

#### **IC 16-24-2-14**

##### **Access to books and records**

Sec. 14. The officers of the hospital shall admit the governing board, the county executive, the representatives of the state board of accounts, and all other public agencies having legal authority into every part of the hospital and give these persons access, on demand, to all books, papers, accounts, and records pertaining to the hospital.  
*As added by P.L.2-1993, SEC.7.*

#### **IC 16-24-2-15**

##### **Joint county hospitals; allocation of costs; board of managers; admissions pro rata and otherwise**

Sec. 15. (a) At least two (2) counties may agree to establish and maintain a tuberculosis hospital.

(b) The county executive of each county proposing to cooperate may enter into an agreement to establish the hospital and shall apportion the cost of establishing and maintaining the hospital among the cooperating counties, according to the ratio of taxable property in the counties. Each county executive shall appoint an equal number of the members of the board of managers but shall not appoint more than two (2) members. The number of patients admitted from the cooperating counties shall be based on the population of the counties. If there are not as many applications for admission as a county is entitled to, admission is made in the order the applications are received or as agreed among the cooperating counties.

*As added by P.L.2-1993, SEC.7.*

#### **IC 16-24-2-16**

##### **Nonprofit hospitals; county aid**

Sec. 16. Whenever an association is incorporated under Indiana law as a nonprofit corporation, for the purpose of constructing, operating, and maintaining a hospital to treat and care for persons with tuberculosis or other diseases, the county executive of the county in which the hospital is located may:

- (1) lease or convey the hospital of the county to the corporation;  
and
- (2) give financial aid to:
  - (A) maintain and operate the hospital; and
  - (B) pay for the treatment of county residents.

*As added by P.L.2-1993, SEC.7.*